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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

YUGOSLAVIA

Communicated by the Government of Yugoslavia

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

LAW ON THE PRODUCTION AND

TRADE IN NARCOTIC DRUGS

14 February 1991

*) Note by the Secretariat: The present document is a direct reproduction of the text communicated to the Secretariat.

V.91-26811

Pursuant to Article 315, item 3 of the Constitution of the Socialist Federal Republic of Yugoslavia, the Presidency of the Socialist Federal Republic of Yugoslavia issues a

D E C R E E

ON THE PROCLAMATION OF THE LAW ON THE PRODUCTION AND TRADE IN NARCOTIC DRUGS

The Law on the Production and Trade in Narcotic Drugs, adopted by the SFRY Assembly at the session of the Federal Executive Council held in February 14, 1991 is herewith promulgated.

No. 1334
February 14, 1991
Belgrade

President of the
SFRY Presidency
Dr Borisav Jović

President of the
SFRY Assembly
Dr Slobodan Gligorijević

L A W

ON THE PRODUCTION AND TRADE IN NARCOTIC DRUGS

I. PRINCIPAL PROVISIONS

Article 1

For the purpose of protecting public health, preventing social problems and narcotic drug abuse, the production and trade in narcotic drugs shall be carried out under the conditions stipulated herein and shall be subject to supervision in accordance with the provisions hereof.

Article 2

Such products and substances of natural or man-made origin the use of which may result in states of addiction

which cause damage to health or otherwise threaten human physical, mental or social integrity shall be considered narcotic drugs in accordance with this Law.

Pursuant to paragraph 1 of this Article, psychothropic substances shall be considered as narcotic drugs.

Narcotic drugs from paragraphs 1 and 2 of this Article shall be established by a decree issued by the official in charge of the federal administrative body competent for health issues.

The decision from para 3 of this Article shall be published in the "Official Gazette of the SFRY".

Article 3

Trade in narcotic drugs in accordance with the provisions of this Law shall imply the import, export, transit, sale and all other forms of trade in narcotic drugs.

Article 4

The manufacture and trade in narcotic drugs may be carried out subject to the approval, namely, permit of the competent body in accordance with the provisions hereof.

No one shall possess narcotic drugs without the approval of the competent body.

Article 5

Narcotic drugs may be produced and put into circulation only for medical, veterinary, teaching, laboratory and scientific purposes.

Article 6

Narcotic drugs may be produced imported and exported in quantities established, according to estimated requirements, by the federal administrative body in charge of health affairs.

The quantities of narcotic drugs from paragraph 1 of this Article are established on the basis of the estimated requirements for the forthcoming year as applied for by the competent republican and/or provincial body not later than March 31 of the current year.

Article 7

Unless otherwise stipulated herein, the following shall be prohibited: - production of opium by poppy capsule incision, growing of coca plant, manufacture of psychoactive products from the canabis plant and production and import of other narcotic drugs as determined in the decision of the official in charge of the federal administrative body in charge of health affairs.

The decision from paragraph 1 of this Article shall be published in the "Official Gazette of the SFRY".

II. CONDITIONS FOR PRODUCTION OF NARCOTIC DRUGS

Article 8

Narcotic drugs may be produced by enterprises and social service organizations of associated labour (hereinafter: social services organizations) subject to approval of the competent republican/provincial body and which are registered for carrying out these activities.

Social services enterprises and organizations shall comply with the conditions stipulated in the regulations on drug marketing for producers of drugs.

Article 9

The poppy intended for the production of narcotic drugs may be grown in such areas as designated by the competent body in the republic, i.e., autonomous province.

Article 10

The poppy referred to in Article 9 hereof may be grown by social service enterprises and organizations, agricultural cooperatives, agricultural estates and farmers subject to approval of the competent body in the republic/autonomous provinces and under a previously made contract with the enterprise, i.e. social service organization authorized to purchase poppy.

The poppy intended for other purposes may be grown without approval, subject to the reporting of planted areas to the competent body within thirty (30) days from the planting of seeds.

Article 11

Social service enterprises, organizations, agricultural cooperatives, agricultural estates, and farmers referred to in Article 10 hereof shall be obliged to hand over within four months from the date of cropping to social service enterprises, i.e., organizations authorized to purchase poppy all quantities or such parts of poppy used for the production of narcotic drugs (poppy straw).

Enterprises, namely, social service organizations authorized to purchase poppy shall be obliged to purchase from social service enterprises and organizations, agricultural combines, agricultural estates, namely, farmers from Article 10, paragraph 1 of this Law, all produced quantities of poppy straw within the time period established in paragraph 1 hereof.

Article 12

Social service enterprises, i.e., organizations engaged in scientific research may, for scientific purposes, produce opium by poppy capsule incision, grow coca plant, produce psycho-active products from the canabis plant, provided

that prior to that they receive the approval of the competent republican/provincial body.

III. CONDITIONS FOR TRADE IN NARCOTIC DRUGS

Article 13

The wholesale trade in drugs may be carried out by public service enterprises and organizations engaged in the production of narcotic drugs and enterprises engaged in the wholesale trade in drugs.

Retail trade in narcotic drugs shall be carried out by pharmacies.

Article 14

Narcotic drugs and medicaments produced from narcotic drugs used for medical and veterinary purposes shall be issued in retail on conditions and in the manner stipulated by the regulations on drug marketing.

Narcotic drugs used for teaching, laboratory and scientific purposes shall be issued on the basis of an approval of the competent body in the republic, i.e., autonomous province.

Article 15

Public service enterprises and organizations engaged in the trade in narcotic drugs shall meet the following particular conditions:

1) have in their employment graduate pharmacists under whose supervision narcotic drugs shall be stored, kept and issued;

2) have appropriate premises and equipment to store, keep and issue narcotic drugs, such premises complying with the technical and sanitary-hygienic conditions.

3) store narcotic drugs in separate premises where other products shall not be kept, such premises being secured against unauthorized entry.

Exceptionally, pharmacies, social service enterprises and organizations which use narcotic drugs may keep these drugs on premises used for other purposes, provided that narcotic drugs shall be stored in special steel cabinets, separately from other products.

Article 16

The premises, and/or steel cabinets wherein narcotic drugs are stored shall be locked and secured against unauthorized entry.

The keys to the premises and/or steel cabinets wherein narcotic drugs are kept shall be held only by the employee in charge of storage, keeping and issue of narcotic drugs.

Article 17

Narcotic drugs may be impored and exported by enterprises engaged in the wholesale trade in drugs.

The enterprises referred to in para 1 of this Article shall have the approval of the competent republican/provincial body and shall be registered for carrying out these activities.

Article 18

Social service enterprises and organizations engaged in scientific-research activities may import narcotic drugs referred to in Article 7 of this Law for scientific purposes subject to the approval of the federal administrative body in charge of health affairs.

Article 19

Narcotic drugs and products containing narcotic drugs shall be imported and exported according to permits issued by the federal administrative body in charge of health affairs.

The import, i.e., export of narcotic drugs and products containing narcotic drugs may be permitted provided

all conditions stipulated in this Law and in international contracts ratified by the Socialist Federal Republic of Yugoslavia are fulfilled.

The provisions of paragraphs 1 and 2 of this Article shall also pertain to the import, i.e., export of poppy straw.

The regulation on the conditions and procedures for issuing import/export licences shall be passed by the official in charge of the federal administrative body for health affairs.

Article 20

Narcotic drugs may pass in transit through the territory of the Socialist Federal Republic of Yugoslavia provided that the consignment of narcotic drugs is supplied with an export licence, and/or another documents issued by the exporting country.

During the transit, consignments of narcotic drugs shall not be subject to such procedures which modify or may modify the nature of the narcotic drugs.

Article 21

Persons crossing the borders of the Socialist Federal Republic of Yugoslavia may posses medicaments containing narcotic drugs which are indispensable for their own personal use, provided that they orally inform the customs officers of their brand name and quantity.

Article 22

The transfer of products which contain narcotic drugs intended for extending first aid in international transport facilities in quantities required for that purpose shall not be considered as import or transit in accordance with this Law, provided that the registered transport facility has the approval for the possession of a specific type and quantity of those products issued by the competent body of the country of origin.

Article 23

Custom offices shall be obliged to designate on each narcotic drug export/import licence the date and place of customs clearance and submit the used up permits with all the required information to the federal body in charge of health affairs within eight days from such clearance.

In the event of the transit of narcotic drugs, the customs offices shall establish for each consignment the brand and quantity thereof, indicate in the customs document the country of destination of the consignment and advise thereof the federal administrative body in charge of internal affairs.

Article 24

The provisions of the Law which apply to the import of narcotic drugs shall also apply to narcotic drugs imported into free zones, customs zones or consignment warehouses in the Socialist Federal Republic of Yugoslavia.

IV. RECORDS ON THE PRODUCTION AND TRADE IN NARCOTIC DRUGS

Article 25

Enterprises and public service organizations which purchase poppy straw, i.e., which produce or process narcotic drugs shall keep records on the quantities of purchased poppy straw, on the manufactured and/or processed quantities of narcotic drugs, as well as on the sold quantities and stocks of narcotic drugs and poppy straw.

Article 26

Enterprises and social service organizations which import, export and trade in or use narcotic drugs shall keep records on the types and quantities of procured and issued narcotic drugs, on the recipients and stocks of narcotic drugs.

Article 27

Enterprises, social services organizations, agricultural cooperatives, agricultural estates and farmers who grow poppy intended for the production of narcotic drugs, and enterprises and social service organizations from Articles 25 and 26 of this Law shall submit within specified periods of time information from the records they are obliged to keep in compliance with this Law, to the competent republican and/or provincial body.

Enterprises and social service organizations which import and/or export narcotic drugs shall also submit the information from Article 26 of this Law to the federal administrative body in charge of health affairs within the terms specified by regulations passed in compliance with this Law.

Article 28

The competent republican and/or provincial body shall submit in the specified period of time the information received in accordance with paragraph 1 Article 27 of this Law to the federal administrative body in charge of health affairs.

In addition to submitting the information from the records, the body from paragraph 1 of this Article shall inform the federal administrative body in charge of health affairs which social service enterprises and organizations were given approval in compliance with paragraph 1 of Article 8 and paragraph 2 of Article 17 of this Law and the number of enterprises and social service organizations on the territory of the republic and/or autonomous province engaged in the wholesale trade in narcotic drugs.

Article 29

The regulations on the content and recordkeeping and reporting as well as time limits for submitting information and data from Articles 25 to 28 of this Law shall be passed by the officials in charge of the federal administrative body for health affairs.

Article 30

The federal administrative body in charge of health affairs in cooperation with the federal administrative body in charge of foreign affairs shall ensure the implementation of international obligations resulting from ratified international agreements on narcotic drugs.

The federal administrative body in charge of internal affairs shall keep records on all cases of illicit drug trafficking and shall cooperate directly with corresponding foreign agencies and international organizations in discovering and preventing illicit drug trafficking.

Article 31

The federal administrative body in charge of health affairs shall prepare and submit to the United Nations agencies in charge of narcotic drug control:

1) reports on the implementation of international agreements on narcotic drugs on the territory of the Socialist Federal Republic of Yugoslavia;

2) estimates of the annual requirements of narcotic drugs;

3) statistical reports on the manufacture, import, export, trade in, consumption, seizure and stocks of narcotic drugs.

V. SUPERVISION AND COMPETENCES

Article 32

Direct supervision over the import and export of narcotic drugs shall be carried out by the customs authorities.

Direct inspection control over the implementation of this law and regulations adopted in compliance with this law and which pertain to the manufacture of narcotic drugs and wholesale trade in narcotic drugs shall be carried out by the federal administrative body in charge of health affairs.

Direct inspection over the implementation of this law and regulations adopted in compliance with this Law, with the exception of the supervision from paragraph 1 of this Article, shall be carried out by the competent bodies in the republics, and/or, autonomous provinces.

In the execution of direct supervision, the bodies from paragraphs 1 and 2 of this Article shall have the rights and duties to undertake the following measures:

1) to prohibit the enterprises, namely, social service organizationsengaged in the production import, export or trade in narcotic drugs to carry out these activities if they do not fulfill the terms from Articles 8, 13, 15, 16 and 17 of this Law, until these terms are complied with;

2) to temporarily seize the narcotic drugs and order measures required for the implementation of this Law and regulations passed in compliance therewith;

3) in the event of a breach of the provisions of this Law, to lodge a complaint with the competent body for the purpose of instituting economic violation proceedings and/or instituting law infringement proceedings.

The measures from paragraph 3, items 1 and 2 this Article shall be established on the basis of a decision brought in an administrative proceeding.

Article 33

Enterprises,social service organizations, agricultural cooperatives, agricultural estates and farmers the activities of which are subject to supervision are obliged to enable the bodies from Article 32 of this Law to carry out supervision activities, unhindered work and inspect the records and documentation, as well as to make available the data and materials necessary for carrying out inspection activities.

Article 34

The activities from paragraph 1 of Article 32 of this Law shall be carried out by the federal narcotic drug

inspector, who in addition to other qualifications shall have a bachelor's degree in pharmacy and board examination.

Article 35

When carrying out inspection activities the federal narcotic drug inspector shall have a special identification card indicating his official capacity.

The official in charge of the federal administrative body for health affairs shall stipulate the form of identification card and issue the identification card from paragraph 1 of this Article.

VI. THE RIGHTS AND OBLIGATIONS OF THE FEDERAL ADMINISTRATIVE BODY IN CHARGE OF HEALTH AFFAIRS IN RESPECT TO THE IMPLEMENTATION OF THIS LAW WHEN DIRECT SUPERVISION IS CARRIED OUT BY THE REPUBLICAN AND/OR PROVINCIAL BODIES

Article 36

The federal administrative body in charge of health affairs is responsible for the implementation of this Law and regulations passed in compliance therewith in respect to the obligations resulting from the ratification of international agreements on narcotic drugs.

In the realization of the responsibilities of the federal bodies regarding the implementation of this law and regulations passed in compliance therewith when direct supervision over the application of these regulations is within the competences of the republican and/or provincial bodies, the federal administrative body in charge of health affairs shall have the rights and obligations:

1) to give obligatory instructions to the competent bodies in the republics and/or autonomous provinces if so required in the interest of the entire country for the uniform application of these regulations;

2) in instances when the competent body in the republics and/or autonomous provinces does not carry out a specific administrative procedure on the basis of the competences from this law, and the non-execution of that administrative procedure may cause grave harmful effects, to institute that procedure and inform thereof the Federal Executive Council and executive council of the republican assembly, i.e., executive council of the provincial assembly;

3) to institute, namely, request the institution of proceedings for establishing the responsibility for the failure to implement this law and regulations passed in compliance thereof.

Article 37

In the event the competent bodies in the republics and/or autonomous provinces fail to implement this law and regulations passed in compliance thereof, the federal administrative body in charge of health affairs shall advise to that effect the republican, namely, provincial administrative body in charge of narcotic drugs and request the undertaking of measures on their part which shall ensure the implementation of this law and regulations passed in compliance thereof, establishing the time limit within which these measures should be undertaken.

The federal administrative body in charge of health affairs shall inform the Federal Executive Council on the measures taken in compliance with paragraph 1 of this Article on the sameday, and the latter is obliged to inform, at the latest within three days, to that effect the executive council of the republic and/or executive council of autonomous province.

If in spite of the advise from paragraph 1 of this Article and undertaken measures, i.e., expiration of the specific period for taking these measures, the implementation of the law and regulations passed in compliance thereof is not

ensured, the Federal Executive Council shall ensure their implementation through the federal administrative body in charge of health affairs. Simultaneously with the undertaking of measures for ensuring the implementation of this law and regulations passed in compliance thereof, the Federal Executive Council shall inform accordingly the Assembly of the SFRJY, and may suggest that the latter informs on the undertaken measures the assembly of the republic and/or autonomous province and initiate the establishment of responsibility of the republican and/or provincial administrative body competent for narcotic drugs or official in charge of that administrative body.

Article 38

The republican and provincial administrative bodies in charge of supervising activites shall submit to the federal administrative body in charge of health affairs reports on the implementation of the provisions of this law and regulations passed in compliance thereof.

The official in charge of the federal administrative body for health affairs shall if necessary, determine the ways and means of submitting the report from paragraph 1 of this Article.

Article 39

The federal administrative body in charge of health affairs shall set up a commission for narcotic drugs from among prominent experts in this field upon the proposal of competent bodies in the republics and/or autonomous provinces and proposals of certain federal administrative bodies and federal organizations.

The Narcotic Drugs Commission shall consider issues pertaining to the manufacture and trade in narcotic drugs, propose that substances which have been determined to cause addiction be included in narcotic drugs and propose measures for undertaking activities for the prevention and control of narcotic drug abuse and promotion of the state in that field.

The members of the Narcotic Drugs Commission shall be appointed for a four year term.

The Narcotic Drugs Commission shall adopt Rules of Procedures on its activities.

VII. PENAL PROVISIONS

Article 40

An enterprises or other legal person shall be fined for an economic violation with a fine ranging from 90,000 to 450,000 dinars if:

1) contrary to the provisions hereof it is engaged in the production of opium by poppy capsule incision; growing of coca plants, manufacture of products with psychoactive effects from the canabis plant and production and import of other narcotic drugs prohibited by the federal administrative body in charge of health affairs (paragraph 1 of Article 7 and Article 12);

2) it produces imports or exports narcotic drugs (paragraph 1, Article 8, paragraph 2 Article 17 and Article 18), without the approval of the competent body .

3) it grows poppy intended for the production of narcotic drugs without the approval of the competent body or previously signed contract (Article 10, paragraph 1);

4) fails within a specified period of time to submit to an enterprises or social service organization authorized for purchasing poppy all produced quantities of poppy straw (Article 11, paragraph 1);

5) it purchases poppy straw without athorization or if does not purchase all the produced quantities of poppy straw from producers with which it has concluded an agreement to that effect (Article 11, paragraph 2);

6) it carries out trade in narcotic drugs contrary to the provisions of Article 13 thereof;

7) if imports or exports narcotic drugs or products containing narcotic drugs without a permit (Article 19, paragraphs 1 and 3).

For violations referred to in paragraph 1 of this Article the person in charge of an enterprise or other legal person shall be fined with a fine ranging from 5,000 to 25,000 dinars.

Article 41

An enterprise or other legal person shall be fined for an economic violations with a fine ranging from 9,000 to 45,000 dinars if:

1) it fails to report within a specified period of time to the competent body the areas planted with poppy intended for other purposes (Article 10, paragraph 2);

2) it issues narcotic drugs or medicaments produced from narcotic drugs contrary to the provisions of Article 14 hereof;

3) it fails to secure in the stipulated manner the permises or steel cabinets wherein narcotic drugs are kept or if the keys to the premises or cabinets wherein narcotic drugs are stored are not kept by the employee in charge of storing, keeping and issuing narcotic drugs (Article 16);

4) it fails to keep the stipulated records or if such records are kept inaccurately or negligently (Articles 25 and 26);

5) it fails within the specified time to submit to the competent body the report or other specified data from the records it is obliged to keep according to the provisions hereof or if it submits inaccurate data (Article 27, paragraph 1 and Article 29);

6) it does not enable the bodies from Article 32 of this law to carry out supervision activities and unhindered work, to inspect the records and documentation and if it does not submit the data and materials required for carrying out inspection activities (Article 33).

For the violations referred to in paragraph 1 of this Article the person in charge of the enterprise and other legal persons shall be fined with a fine ranging from 2,000 to 10,000 dinars.

Article 42

A farmer in infringement shall be fined with a fine ranging from 2,000 to 10,000 dinars or sentenced to prison in the duration up to sixty days if:

1) he grows poppy intended for the production of narcotic drugs without the approval of the competent body or without a previously made contract or if he fails within a specified period of time to report to the competent body the areas planted with poppy intended for other purposes (Article 10);

2) he fails to hand over to the enterprise, i.e., social service organization authorized to purchase poppy all produced quantities of poppy straw (Article 11, paragraph 1);

3) he fails within the specified period of time to submit to the competent body the data from the appropriate records on the produced quantities of poppy straw (Articles 27 and 29).

Article 43

An individual being in infringement shall be fined with a fine ranging from 2,000 do 10,000 dinars or sentenced to prison in the duration of up to sixty days if:

1) he possesses narcotic drugs without authorization, i.e., permit issued by the competent body (Article 4, paragraph 2 and Article 22);

2) he produces opium by poppy capsule incision, grows coca plants, manufactures products with psychoactive effects from the canabis plant and produces and imports other proscribed narcotic drugs (Article 7, paragraphl).

Article 44

The person in charge of a customs office being in infringement shall be fined with a fine ranging from 1,000 to 5,000 dinars if it does not submit to the federal administrative body in charge of health affairs within eight days from the date of customs clearence used up permits for the export and/or import of narcotic drugs (Article 23, paragraph 1).

Article 45

Narcotic drugs which are the subject of an economic violation from Article 40 of this law, namely subject of a violation from Articles 42 and 43 hereof, or which have been used or manufactured by the performance of these violations, namely, offences, shall be seized without compensation regardless of whether they are at the disposal of or in the possession of the perpetrator of the economic offence, and/or violation.

VIII. TREATMENT OF THE SEIZED NARCOTIC DRUGS BY THE COMPETENT BODIES

Article 46

If the narcotic drugs seized pursuant to Article 45 hereof may be used as a raw material for production and further processing, the body which has taken the decision on their seizure shall hand over with compensation the seized narcotic drugs to the enterprise and/or social service organization which has a licence for the production of narcotic drugs.

Article 47

If the narcotic drugs seized in accordance with Article 45 hereof cannot be used as a raw material for production and processing, such drugs shall be destroyed by a commission in such a manner as applicable to the particular narcotic drug and condition thereof.

The commission referred to paragraph 1 above shall be set up by the body that has taken the decision on the seizure of narcotic drugs.

Article 48

The body that has taken the decision on the seizure of narcotic drugs shall keep records on the seized narcotic drugs and persons from whom the drugs have been seized and shall also enter into the records the data relevant to handing over or destroying the narcotic drugs.

The body referred to in paragraph 1 above shall inform the federal administrative body in charge of internal affairs of the seized narcotic drugs and persons from whom the drugs have been seized.

Article 49

The provisions of Articles 46 to 48 hereof shall also apply to the seized narcotic drugs which were used or intended for the performance of criminal acts or have been produced by the execution of a criminal act.

Article 50

The provisions of Articles 46 to 49 hereof shall also apply to narcotic drugs which have been seized within the framework of their competences by the competent bodies for internal affairs and competent customs authorities.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 51

The regulations from Article 19 paragraph 4 and Article 29 of this Law shall be passed by the official in charge of the federal administrative body for health affairs within six months from the date of the entry into foce of this Law.

Until the adoption of the regulations from paragraph 1 of this Article, the regulations adopted in compliance with the authorization of the Law on the Production and Trade in Narcotic drugs ("Official Gazette of the SFRY" Nos. 55/78 and 58/85) [1] shall remain in force if not contrary to this Law.

Article 52

Enterprises and social service organizations engaged in the production import and export of narcotic drugs shall bring their activities into compliance with the provisions of Article 8 paragraph 2 and Article 17 of this Law within one year from the date of its coming into force.

Article 53

On the date of the coming into force of this Law, the Law on the Production and Trade in Narcotic Drugs ("Official Gazette of the SFRY", Nos. 55/78 and 58/85) [1] shall cease to be valid.

Article 54

This Law shall come into force on the eighth days of its publication in the "Official Gazette of the SFRY". [2]

Notes by the Secretariat

1/ E/NL.1978/51 and E/NL.1986/29.

2/ Published in the Official Gazette of the SFRY, No. 13/91.